

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
CINCINNATI, OHIO
2013 OCT 18 AM 11:36

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

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Case No.

13MJ-647

Priority Mail Express parcel label number 9470 1102 0088 2932 7185
03, postmarked October 16, 2013, weighing 13 pounds, addressed to
Tim Donahue, 5145 Mary Ingles Hwy Box 433, Silver Grove, KY
41085 with a return address of Elite Auto Restoration, 824 South
Auburn Street, Grass Valley, CA 95945

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

Controlled Substances, materials and documents reflecting the distribution of controlled substances through the U.S. Mails, including money and/or monetary instruments paid for controlled substances

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of: Title 21

<i>Code Section</i>	<i>Offense Description</i>
841 (a) (1), 843 (b) & 846	Conspiracy to distribute a controlled substance Possession with intent to distribute a controlled substance

The application is based on these facts:

See attached affidavit of U.S. Postal Inspector O'Neill

- Continued on the attached sheet.
- Delayed notice _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Karen L. O'Neill, U. S. Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/18/13

City and state: Cincinnati, Ohio


Judge's signature

Honorable Karen L. Litkovitz
United States Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
CINCINNATI, OHIO

STATE OF OHIO)
)
COUNTY OF HAMILTON)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, KAREN O'NEILL, HAVING BEEN DULY SWEORN, DEPOSE AND STATE: I am a United States Postal Inspector, having been so employed since March 2003. I am presently assigned to the Cincinnati Field Office, Pittsburgh Division of the Postal Inspection Service with investigative responsibility for Southwest Ohio, Northern Kentucky, and Southeast Indiana. Part of my investigative responsibility involves the use of the United States Mail in the transporting of narcotics and other dangerous controlled substances and financial proceeds relating thereto.

Your affiant has become aware that drug traffickers frequently use Express Mail, a business-oriented overnight service offered by the United States Postal Service, to transport narcotics and other dangerous controlled substances, and their proceeds or instrumentalities from the sale of the controlled substances. Your affiant has also become aware that drug traffickers frequently use Priority Mail with delivery confirmation, a 2-3 day service offered by the United States Postal Service. As a result of investigations and successful controlled substance prosecutions where the Mail was used, your affiant has learned of certain characteristics indicative of other Mail items previously identified as containing narcotics or other dangerous controlled substances, their proceeds or instrumentalities from the sale of the controlled substances. Some of these characteristics include, but are not necessarily limited to or used on every occasion, the mailer using different post offices on the same day to send parcels, false or non-existent return address, addressee is not known to receive mail at the listed delivery address, the package is heavily taped, the package is mailed from a known drug source location, labeling information contains misspellings, the label contains an illegible waiver signature, unusual odors emanating from the package, and the listed address is located in an area of known or suspected drug activity.

On October 17 2013, your affiant requested a check in the postal service product tracking system for suspicious parcels going to northern Kentucky. Four Express Mail parcels were located going to Silver Grove, Kentucky coming from northern California, a known drug source area.

Your affiant knows that two of the parcels were processed electronically and an addressee address is provided in the postal system. Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03 and Priority Mail Express parcel label number 9470 1102 0088 1932 5935 85 are addressed to 5145 Mary Ingles Hwy 433, Silver Grove, KY 41085.

Your affiant knows that there is no street delivery for all of the mail going to Silver Grove, Kentucky. There are no mail carriers that deliver at that post office. The mail is delivered to post office boxes. Any Express Mail parcels are available for pick up at the post office.

On October 17, 2013, your affiant did a check in the postal service product tracking system for prior parcels going to Silver Grove, Kentucky coming from northern California. Your affiant knows that at least 9 parcels with various addresses have been delivered in Silver Grove since September 26, 2013.

On October 17, 2013, your affiant contacted the Cincinnati Postal Processing & Distribution Center (P&DC) and requested to be contacted when the aforementioned Express Mail parcels arrived to be processed.

On October 18, 2013, your affiant was contacted by a clerk at the Cincinnati P&DC regarding the arrival of two of the Express Mail parcels; Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03 and Priority Mail Express parcel label number 9470 1102 0088 1932 5935 85.

Your affiant requested the parcels be placed in a secure location for further investigation.

On October 18, 2013, your affiant obtained Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03 and Priority Mail Express parcel label number 9470 1102 0088 1932 5935 85 from the Cincinnati P&DC. The parcels are addressed to Tim Donahue, 5145 Mary Ingles Hwy Box 433, Silver Grove, KY 41085 with a return address of Elite Auto Restoration, 824 South Auburn Street, Grass Valley, CA 95945.

On October 18, 2013, your affiant did a check in Accurint on the return address 824 South Auburn Street, Grass Valley, CA 95945. Accurint is a law enforcement database that is used as a tool for investigators to identify person/business and address information. According to Accurint, the "Ray's Radiator Service" is located at that address.

On October 18, 2013, your affiant contacted the Grass Valley Main Post Office, Grass Valley, California regarding the return address Elite Auto Restoration, 824 South Auburn Street, Grass Valley, CA 95945. Your affiant spoke to a supervisor and she confirmed that "Ray's Radiator Service" was located at that address. Your affiant also learned that the carrier for South Auburn Street is not familiar with the business name "Elite Auto Restoration" on her route.

On October 18, 2013, the Cincinnati Police Department Narcotics Unit was contacted to arrange for a narcotic canine to check the parcels. Specialist Scott McManis responded to the Cincinnati Postal Inspection Service office, Cincinnati, Ohio where the parcels were placed in a separate controlled area and presented to narcotic canine, "Diesel". "Diesel" alerted positively to the presence or odor of a controlled substance or their proceeds or instrumentalities upon Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03 and Priority Mail Express parcel label number 9470 1102 0088 1932 5935 85 addressed to Tim Donahue, 5145 Mary Ingles Hwy Box 433, Silver Grove, KY 41085. Attached herewith, and made part hereof by reference, is a photocopy of the narcotic canine handler's record of examination.

Parcel #1 is further identified as follows: a brown cardboard box 14" x 14" x 14" in size, bearing Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03, weighing 13 pounds, postmarked October 16, 2013; see address information below:

Sender: Elite Auto Restoration
824 South Auburn Street
Grass Valley, CA 95945

Addressee: Tim Donahue
5145 Mary Ingles Hwy Box 433
Silver Grove, KY 41085

Parcel #2 is further identified as follows: a white cardboard box 15" x 12" x 10" in size, bearing Priority Mail Express parcel label number 9470 1102 0088 1932 5935 85, weighing 7 pounds, postmarked October 16, 2013; see address information below:

Sender: Elite Auto Restoration
824 South Auburn Street
Grass Valley, CA 95945

Addressee: Tim Donahue
5145 Mary Ingles Hwy Box 433
Silver Grove, KY 41085

This information, along with the positive alert of narcotic canine "Diesel" is indicative of a drug package.

Based on the information contained herein, your affiant believes that contained in Priority Mail Express parcel label number 9470 1102 0088 2932 7185 03 and Priority Mail Express parcel label number 9470 1102 0088 1932 5935 85 is a quantity of a narcotic or other dangerous controlled substance, their proceeds or instrumentalities.

Therefore, a search warrant to open the parcel is requested.

Further, your affiant sayeth naught.

Karen O'Neill

Karen O'Neill
Postal Inspector

Subscribed and sworn to and before me this 18 day of Oct., 2013.

Karen L. Litkovitz

Honorable Karen L. Litkovitz
United States Magistrate Judge



United States Postal Inspection Service
Pittsburgh Division

OFFICER AFFIDAVIT

I, Officer PS Scott McMains PS253, am and have been employed by the Cincinnati Police Department since 1993. Among other duties, I am currently the assigned handler of narcotics detection canine "DIESEL" which is trained and certified in the detection of the presence or odor of narcotics described as follows:

MARIJUANA, COCAINE, HEROIN, METHAMPHETAMINE

On 10/18/13, at the request of Postal Inspector K. O'Neill, I responded to Cincy Postal Inspection Service office, where "DIESEL" did alert to and indicate upon: [describe item]

PM EXPRESS # 441701102 00282632 718563 addressed to
Tim Donahue 5145 May Ingles Hwy Box 433 Silver Grove Ky
41085 with a return address Elite Auto Restoration
824 South Auburn Street Grass Valley Ca 95945

Which, based upon my training and experience and that of "DIESEL", indicates there is contained within or upon the above described item, the presence or odor of a narcotic or other controlled substance.

Scott McMains 10/18/13
 (Signature and Date)

K. O'Neill 10/18/13
 (Signature and Date)